



ENGROSSED 2003 SENATE BILL 214

October 31, 2003 - Printed by direction of ASSEMBLY CHIEF CLERK.

1 **AN ACT** *to renumber and amend* 29.091, 29.621 (4), 941.23, 941.235 (2) and
2 943.13 (2); *to amend* 23.33 (3) (e), 29.089 (2), 51.20 (13) (cv) 4., 51.20 (16) (gm),
3 51.30 (3) (a), 165.82 (1) (intro.), 165.82 (2), 175.35 (1) (at), 175.35 (2) (d), 175.35
4 (2g) (c) 4. a. and b., 175.35 (2k) (ar) 2., 440.26 (3m), 813.12 (6) (am) 1., 813.12
5 (6) (am) 2., 813.122 (9) (am) 1., 813.122 (9) (am) 2., 813.125 (5r) (a), 813.125 (5r)
6 (b), 885.235 (1g) (intro.), 938.396 (8), 941.20 (1) (a), 941.20 (1) (b), 941.295 (2)
7 (d), 943.13 (1m) (b) and 943.13 (3); and *to create* 29.091 (2), 29.621 (4) (b), 55.06
8 (17) (d), 59.25 (3) (u), 165.25 (11), 167.31 (4) (ar), 175.35 (1) (am), 175.50,
9 885.235 (1g) (e), 938.396 (8m), 941.20 (1) (bm), 941.23 (1) (a), 941.23 (1) (b),
10 941.23 (1) (c), 941.23 (2), 941.235 (2) (c), 941.237 (3) (ct), 941.295 (2g), 941.295
11 (2r), 943.13 (1e) (bm), 943.13 (1e) (g), 943.13 (1m) (c), 943.13 (2) (bm), 946.32 (3),
12 948.605 (2) (c) and 948.61 (3m) of the statutes; **relating to:** carrying or going
13 armed with a concealed weapon, background checks for handgun purchases,

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- 1 requiring the exercise of rule-making authority, providing an exemption from
2 rule-making authority, and providing penalties.
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Analysis by the Legislative Reference Bureau***Engrossment information:***

The text of Engrossed 2003 Senate Bill 214, as passed by the senate on October 23, 2003, consists of the following documents adopted in the senate on that date: Senate Substitute Amendment 2, as affected by Senate Amendment 1 (as affected by chief clerk's corrections and Senate Amendment 1 to Senate Amendment 1), Senate Amendments 2, 4, and 22, and Senate Amendment 48 (as affected by chief clerk's correction).

Content of Engrossed 2003 Senate Bill 214:***Current Law***

Under current law, no person other than a peace officer may go armed with a concealed and dangerous weapon. The “going armed with” language applies to, among others, cases in which a person is carrying a concealed weapon but has not gone and is not going anywhere with it and cases in which a weapon is readily accessible to — but not physically carried by — a person in a car. A person who violates the prohibition on going armed with a concealed and dangerous weapon may be fined not more than \$10,000 or imprisoned for not more than nine months or both. But under *State v. Hamdan*, 2003 WI 113, __ Wis. 2d __, it is unconstitutional to apply this prohibition to a person carrying a concealed weapon at his or her own business when: 1) the person's interest in carrying a concealed weapon substantially outweighs the state's interest in enforcing the concealed weapons law; 2) the person has no other reasonable means to keep and handle the weapon; and 3) the person is not motivated by an unlawful purpose in concealing it. The *Hamdan* court also indicated that the constitutional right to keep and bear arms for security must permit a person to carry a concealed weapon under certain circumstances in his or her own home.

Current law prohibits, with certain exceptions, going armed with or possessing a firearm in a number of places, such as in a public building, tavern, state park, or wildlife refuge or within 1,000 feet of the grounds of a school. Current law also prohibits, with certain exceptions, carrying a loaded or unencased firearm in an automobile, motorboat, or airplane. Moreover, no person may operate or go armed with a firearm while under the influence of alcohol, a controlled substance, or any other intoxicant. A person who violates one of these prohibitions is subject to civil or criminal penalties.

Carrying a concealed weapon in your own home or business

This bill permits a person to go armed with a concealed and dangerous weapon in his or her own home or place of business or on land that he or she owns, leases, or legally occupies, unless the person is prohibited under federal or state law from

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possessing that weapon (prohibitions that apply to firearms if, among other things, the person has been convicted of a misdemeanor crime of domestic violence or a felony; the person unlawfully uses a controlled substance; the person has been involuntarily committed to a mental health facility; or the person is subject to a stalking, harassment, or domestic abuse restraining order or a harassment, domestic abuse, or child abuse injunction).

Licenses to carry a concealed weapon

This bill creates a procedure by which a person may apply to a county sheriff for a license to carry a concealed weapon more generally. The license authorizes a person to carry (defined in the bill to mean to go armed with) a concealed weapon (defined in the bill as a handgun, a stungun, a tear gas gun, a knife other than a switchblade, or a billy club) anywhere in this state except in particular places specified in the bill. These specified places include a police station, sheriff's office, or state patrol station; a prison or jail; a tavern or a restaurant with a liquor license (unless: 1) the person owns or manages the tavern or restaurant; 2) the person is otherwise authorized to possess a handgun at the tavern or restaurant; or 3) the sale of alcohol accounts for no more than 50% of the tavern's or restaurant's receipts); a school administration building; an airport; a building used for religious purposes, for child care, or by a domestic violence services program or a hospital (unless the owner or authorized representative permits a person to carry a concealed weapon there); a building located on a college or university campus; a kindergarten facility; a building owned by the state or a local government if the building provides electronic screening and locked storage for weapons; and any place in which federal law prohibits the carrying of a weapon.

In addition, the bill permits a business owner or person in his or her own home to prohibit a licensee from carrying a concealed weapon into the business or home. A business owner, however, may enforce this restriction against an individual only if he or she has posted a notice regarding the restriction in a prominent place and has personally and orally notified the individual of the restriction. Moreover, a private employer may prohibit an employee from carrying a concealed weapon in the course of the employee's employment unless the employee is in his or her own vehicle.

The bill also prohibits any person from carrying a concealed weapon while having a blood alcohol concentration that exceeds 0.08. A law enforcement officer who arrests a person for violating that prohibition or for carrying a concealed weapon while under the influence of an intoxicant may require the person to submit to a breath, blood, or urine test to detect the presence of alcohol, controlled substances, or any other intoxicant.

In addition to authorizing licensees to carry concealed weapons, the bill exempts licensees from the prohibition on possessing firearms in a school zone under certain circumstances. Specifically, the bill authorizes a licensee to carry a handgun in a school zone if: 1) the licensee is in a motor vehicle or on a snowmobile or bicycle; 2) the licensee has exited from a motor vehicle and is encasing the handgun or storing it in the motor vehicle; or 3) the licensee is traveling directly between any two of the following places: any person's private property, the licensee's place of employment or

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business, or a place outside of the school zone. This exemption does not apply if the licensee is on the school grounds.

Licensing requirements and procedure

Under the bill, a county sheriff must issue a license to carry a concealed weapon to a person who meets the qualifications established in the bill for the license unless a court (in a procedure described below) has authorized the sheriff not to issue the license or unless the county board of the sheriff's county decides by a two-thirds vote, taken before the fourth month after the bill becomes law, to authorize the sheriff not to issue concealed weapons licenses. The county board's vote does not prohibit the sheriff from issuing licenses; he or she may still choose to do so. The bill also allows two or more sheriffs to enter into cooperative agreements under which the sheriffs may jointly issue licenses to carry a concealed weapon or exercise their other responsibilities under the bill.

The bill specifies the requirements that a person must satisfy to qualify for a license to carry a concealed weapon. Included among the requirements are the following: 1) he or she must be at least 21 years old; 2) he or she must not have a physical disability that prevents him or her from safely handling a weapon; 3) he or she must be eligible to possess a firearm under federal law; 4) he or she must not be prohibited from possessing a firearm under state law due to a felony conviction, a juvenile delinquency adjudication, an order issued in a civil commitment case, or any other order prohibiting the person from possessing a firearm; 5) he or she must not have been committed for the treatment of drug dependency during the preceding three years; 6) he or she must not have been convicted of an offense relating to controlled substances during the preceding three years; 7) he or she must not chronically or habitually use alcohol or other substances to the extent that his or her normal faculties are impaired; 8) he or she must have successfully completed a firearms training or safety course or class covering certain topics specified in the bill (unless the sheriff determines that the person should be exempt from that requirement based on his or her military training or experience in shooting competitions); 9) he or she must not have been subject to a finding of incompetency, the subject of a protective placement as a minor based on a developmental disability, found not guilty of a crime by reason of mental disease or mental defect, or involuntarily committed for treatment of mental illness during the preceding five years; 10) he or she must not have been convicted of one of a set of specified misdemeanors or serving a sentence for committing such a misdemeanor within the preceding three years; and 11) he or she must be a Wisconsin resident.

In addition, the bill requires the Department of Justice (DOJ) to conduct a background check of a person who applies for a license to carry a concealed weapon to help determine the person's eligibility for a license. The background check requirement does not apply to a person applying for a license if the person is a law enforcement officer, a correctional officer, a probation and parole agent, or a person holding a current certification from the law enforcement standards board.

If the sheriff determines that an applicant for a license is ineligible under one of these requirements, the sheriff must deny the person's application. Otherwise, the sheriff must issue the person a license within 30 days of receiving the completed

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application, but with one exception. If an applicant committed a misdemeanor described in item 10) above that, because of the passage of time, no longer disqualifies him or her from obtaining a license, and the sheriff believes that the person would pose a substantial risk to others if he or she were granted a license, the sheriff may petition the circuit court to enter an order barring the person from receiving a license. The court may enter the order only if it determines, by clear and convincing evidence, that the person would pose a substantial risk to others if he or she were granted a license.

Furthermore, the bill does all of the following:

1. Allows a sheriff to issue an emergency license to an individual if the sheriff determines that immediate licensure is warranted to protect the individual from death or great bodily harm.

2. Provides that a license to carry a concealed weapon is valid for five years and establishes a renewal procedure that includes a background check of the person renewing the license.

3. Requires a sheriff to revoke a license to carry a concealed weapon if the licensee no longer meets all of the requirements for licensure.

4. Requires a sheriff to suspend a license to carry a concealed weapon if the licensee is the subject of a civil or criminal case that may ultimately lead to the revocation of the license or if the licensee, after being charged with a misdemeanor, is ordered by the court not to possess a firearm.

5. Provides that a person whose application for a license is denied or whose license is suspended or revoked by the sheriff may appeal the sheriff's action to circuit court for review by a judge.

6. Specifies the information that must be on a license to carry a concealed weapon and an application for such a license and requires DOJ to design the form of the license and the license application and renewal forms.

7. Requires DOJ to keep a computerized list of licensees but specifies that DOJ may provide information from that list regarding a specific licensee only to law enforcement agencies and only in certain specified circumstances.

8. Requires each circuit court, through its computer system, or the clerk of the court or the register in probate if the court's computer system cannot do so, to notify DOJ of court proceedings relating to licensees and nonlicensees (including juvenile delinquency and mental health commitment proceedings that are closed to the public) if those proceedings will require suspension or revocation of the person's license if he or she is a licensee.

9. Requires each licensee to notify the sheriff within ten days after being charged with a crime or a drunk driving offense under federal law or the law of another state.

10. Requires a person who applies for a license to carry a concealed weapon to pay an application fee, which may not exceed either the cost to the sheriff of issuing the license or \$75, whichever is less; an \$8 background check fee (unless, in the case of a person applying for an emergency license, the sheriff waives the fee); a \$15 shooting range improvement fee, to be used by the sheriff to provide grants for the construction and improvement of shooting ranges; and a \$15 law enforcement

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excellence fund fee, to be used by the sheriff to improve law enforcement services in his or her county.

11. Grants immunity from liability for conduct undertaken in good faith under the bill to DOJ and its employees; sheriffs and their employees; various other court and county employees; persons providing firearm training or safety classes; business or nonprofit organizations that permit persons to carry concealed weapons on their property; and employers that permit their employees to carry concealed weapons.

12. Treats a license or permit issued by another state in the same manner as a license issued under this bill if the state required the person to undergo training and submit to a background check as a condition of licensure.

New and revised penalties

The bill establishes new penalties and changes certain others for offenses relating to licenses to carry a concealed weapon. First, a licensee who fails to carry his or her license document or who fails to display it upon the request of a law enforcement officer while the person is carrying a concealed weapon may be required to forfeit \$25. Second, a licensee who carries a concealed weapon in a place where the license does not authorize him or her to do so, other than a home or business where a resident or business owner has imposed his or her own restriction on carrying a concealed weapon, may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. Third, if a person has a blood alcohol concentration that exceeds 0.08 or is under the influence of an intoxicant while carrying a concealed weapon, the person may be fined not more than \$1,000 or imprisoned for not more than 90 days or both. The same penalties apply if, after a person is arrested for carrying a concealed weapon under those circumstances, her or she refuses to submit to a breath, blood, or urine test. At the same time, the bill exempts a licensee who is carrying a concealed handgun from the prohibition in current law against going armed with a firearm while under the influence of an intoxicant, a conviction for which would otherwise result in: 1) the person being subject, as a Class A misdemeanor, to a maximum fine of \$10,000 or a maximum term of imprisonment of nine months or both; and 2) the person being ineligible for a license. Fourth, under current law, possession of a firearm in a school zone is a Class I felony (punishable by a maximum fine of \$10,000 or a maximum term of imprisonment of three and one-half years or both), while possessing other types of dangerous weapons on school grounds is a Class A misdemeanor or, for a repeat offender, a Class I felony. A conviction under either of these provisions would also make a person ineligible for a license. This bill exempts licensees from these penalties. Instead, licensees who carry handguns in a school zone in places or under circumstances in which he or she may not do so or who carry electric weapons, tear gas guns, knives, or billy clubs on school grounds are subject to a maximum fine of \$1,000 or a maximum term of imprisonment of 90 days or both. Fifth, a person who does any of the following must be fined not less than \$500 nor more than \$10,000 and may be imprisoned for not more than nine months: 1) intentionally makes a false statement in an application for a license; 2) intentionally fails to report being charged under federal law or the law of another state with any crime or any drunk driving offense within ten days

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after being charged; or 3) intentionally fails to relinquish a license document to a sheriff after the license has been revoked.

Background checks for handgun purchasers

This bill makes certain changes in the law relating to background checks for handgun purchasers. Under current law, when a person seeks to purchase a handgun from a licensed handgun dealer, the dealer must ask DOJ to conduct a background check on the person. In conducting the background check, DOJ searches DOJ records to determine whether the person is ineligible to possess a firearm under state law, but it does not attempt to determine whether federal law bars the person from possessing a firearm based on criteria not covered by state law. This bill requires DOJ, when conducting a background check on a prospective handgun purchaser, to determine whether the person has been the subject of a court order or finding in a Wisconsin court based on the person's mental health that would render the person ineligible to possess a firearm under federal law. Specifically, DOJ must determine if: 1) the person was the subject of a court order committing the person for treatment in an inpatient mental health facility or a finding by a court that the person is a danger to himself or herself or others or lacks the mental capacity to contract or manage his or her own affairs; 2) the person did not commence the proceeding in which the order was entered or the finding was made; and 3) the order or finding was based on the person having markedly subnormal intelligence or the person's mental illness, incompetency, condition, or disease. If DOJ determines that the prospective purchaser was the subject of such an order or determination, the dealer may not sell the person a handgun.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.33 (3) (e) of the statutes is amended to read:

2 23.33 (3) (e) With any firearm in his or her possession unless it is unloaded and
3 enclosed in a carrying case, ~~or. This paragraph does not apply to the possession of~~
4 a handgun, as defined in s. 175.50 (1) (bm), by a person who holds a valid license to
5 carry a concealed weapon issued under s. 175.50 or by an out-of-state licensee, as
6 defined in s. 175.50 (1) (g).

7 (em) With any bow unless it is unstrung or enclosed in a carrying case.

8 **SECTION 2.** 29.089 (2) of the statutes is amended to read:

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1 29.089 (2) Except as provided in sub. (3), no person may have in his or her
2 possession or under his or her control a firearm on land located in state parks or state
3 fish hatcheries unless the firearm is unloaded and enclosed within a carrying case.
4 This subsection does not apply if the firearm is a handgun, as defined in s. 175.50 (1)
5 (bm), and the person holds a valid license to carry a concealed weapon issued under
6 s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

7 **SECTION 3.** 29.091 of the statutes is renumbered 29.091 (1) and amended to
8 read:

9 29.091 (1) No person may hunt or trap within any wildlife refuge established
10 under s. 23.09 (2) (b) or 29.621 (1), or, except as provided in sub. (2), have possession
11 or control of any gun, firearm, bow or crossbow unless the gun or firearm is unloaded,
12 the bow or crossbow is unstrung and the gun, firearm, bow or crossbow is enclosed
13 within a carrying case. The taking of predatory game birds and animals shall be done
14 as the department directs. All state wildlife refuge boundary lines shall be marked
15 by posts placed at intervals of not over 500 feet and bearing signs with the words
16 “Wisconsin Wildlife Refuge”.

17 **SECTION 4.** 29.091 (2) of the statutes is created to read:

18 29.091 (2) The prohibition of the possession or control of a loaded or unencased
19 gun or firearm in sub. (1) does not apply to the possession of a handgun, as defined
20 in s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
21 issued under s. 175.50 or by an out-of-state licensee, as defined in s. 175.50 (1) (g).

22 **SECTION 5.** 29.621 (4) of the statutes is renumbered 29.621 (4) (a) and amended
23 to read:

24 29.621 (4) (a) Except as provided in s. 29.091 (1), no owner of a wildlife refuge,
25 and no other person, may hunt or trap within the boundaries of any wildlife refuge

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1 or, except as provided in par. (b), have in his or her possession or under his or her
2 control in the wildlife refuge a gun, firearm, bow or crossbow, unless the gun or
3 firearm is unloaded, the bow or crossbow is unstrung and the gun, firearm, bow or
4 crossbow is enclosed within a carrying case. Nothing in this section may prohibit,
5 prevent or interfere with the department in the destruction of injurious animals.

6 **SECTION 6.** 29.621 (4) (b) of the statutes is created to read:

7 29.621 (4) (b) The prohibition of the possession or control of a loaded or
8 unencased gun or firearm in par. (a) does not apply to the possession of a handgun,
9 as defined in s. 175.50 (1) (bm), by a person who holds a valid license to carry a
10 concealed weapon issued under s. 175.50 or an out-of-state licensee, as defined in
11 s. 175.50 (1) (g).

12 **SECTION 7.** 51.20 (13) (cv) 4. of the statutes is amended to read:

13 51.20 (13) (cv) 4. If the court prohibits a subject individual from possessing a
14 firearm under subd. 1. or cancels a prohibition under subd. 2., the court clerk shall
15 notify the department of justice of that fact and provide any information identifying
16 the subject individual that is necessary to permit an accurate involuntary
17 commitment history record search under s. 175.35 (2g) (c) or a background check
18 under s. 175.50 (9g) (b). No other information from the subject individual's court
19 records may be disclosed to the department of justice except by order of the court.
20 The department of justice may disclose information provided under this subdivision
21 only as part of an involuntary commitment history record search under s. 175.35 (2g)
22 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
23 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

24 **SECTION 8.** 51.20 (16) (gm) of the statutes is amended to read:

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1 51.20 (16) (gm) Upon a request under par. (a), a court may cancel the
2 prohibition under sub. (13) (cv) 1. if the court determines, based on evidence
3 presented on the issue of the subject individual's dangerousness, that there no longer
4 is a substantial probability that the individual may use a firearm to cause physical
5 harm to himself or herself or endanger public safety. If a court cancels a prohibition
6 under sub. (13) (cv) 1. under this paragraph, the court clerk shall notify the
7 department of justice of that fact and provide any information identifying the subject
8 individual that is necessary to permit an accurate involuntary commitment record
9 search under s. 175.35 (2g) (c) or a background check under s. 175.50 (9g) (b). No
10 other information from the subject individual's court records may be disclosed to the
11 department of justice except by order of the court.

12 **SECTION 9.** 51.30 (3) (a) of the statutes is amended to read:

13 51.30 (3) (a) Except as provided in pars. (b) and (c) and s. 175.50 (11) (d) 2. g.
14 and 3. and under rules that the department of justice promulgates under s. 175.35
15 (2g) (c) 3. or 175.50 (9g) (f), the files and records of the court proceedings under this
16 chapter shall be closed but shall be accessible to any individual who is the subject of
17 a petition filed under this chapter.

18 **SECTION 10.** 55.06 (17) (d) of the statutes is created to read:

19 55.06 (17) (d) Notwithstanding par. (a), information from records described in
20 par. (a) may be disclosed under rules that the department of justice promulgates
21 under s. 175.35 (2g) (c) 3. or 175.50 (9g) (f).

22 **SECTION 11.** 59.25 (3) (u) of the statutes is created to read:

23 59.25 (3) (u) 1. Subject to the terms of an agreement under s. 175.50 (2) (c),
24 deposit all moneys received under s. 175.50 (7) (bd) and (bp), (13), and (15) (b) 4. a.
25 and c. in the general fund of the county.

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1 2. Forward all moneys received under s. 175.50 (7) (bh) and (15) (b) 4. b. to the
2 state treasurer for deposit in the general fund.

3 4. Subject to the terms of an agreement under s. 175.50 (2) (c), deposit all
4 moneys received from payments made under s. 175.50 (7) (bt) and (15) (b) 4. d. in the
5 law enforcement excellence fund established under s. 175.50 (20) and make
6 payments from the fund for the purposes of s. 175.50 (20) (b).

7 **SECTION 12.** 165.25 (11) of the statutes is created to read:

8 **165.25 (11) RULES REGARDING CONCEALED WEAPONS LICENSES.** (a) Promulgate
9 rules specifying all of the following:

10 1. A procedure by which a sheriff may file a petition under s. 175.50 (10m) and
11 a license may be revoked under s. 175.50 (14) with respect to a person who is issued
12 a license under s. 175.50 (9r) and who, as a result of being licensed, poses a
13 substantial risk to others.

14 2. A procedure to provide sheriffs notice of any order entered under s. 175.50
15 (10m) prohibiting a person from being licensed to carry a concealed weapon.

16 (b) Determine which states issue permits or licenses to carry a concealed
17 weapon to persons who meet training requirements and pass criminal background
18 checks in those states and promulgate by rule a list of those states.

19 **SECTION 13.** 165.82 (1) (intro.) of the statutes, as affected by 2003 Wisconsin
20 Act 33, is amended to read:

21 165.82 (1) (intro.) Notwithstanding s. 19.35 (3), the department of justice shall
22 impose the following fees, plus any surcharge required under sub. (1m), for criminal
23 history searches for purposes unrelated to criminal justice or to s. 175.35 or 175.50:

24 **SECTION 14.** 165.82 (2) of the statutes is amended to read:

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1 165.82 (2) Except as provided in s. ss. 175.35 and 175.50, the department of
2 justice shall not impose fees for criminal history searches for purposes related to
3 criminal justice.

4 **SECTION 15.** 167.31 (4) (ar) of the statutes is created to read:

5 167.31 (4) (ar) Subsections (2) (a), (b), and (c) and (3) (a) and (b) do not apply
6 to the placement, possession, transportation, or loading of a handgun, as defined in
7 s. 175.50 (1) (bm), by a person who holds a valid license to carry a concealed weapon
8 issued under s. 175.50 or an out-of-state licensee, as defined in s. 175.50 (1) (g).

9 **SECTION 16.** 175.35 (1) (am) of the statutes is created to read:

10 175.35 (1) (am) “Disqualifying mental health adjudication” means one of the
11 following events if it occurs in a proceeding that was not commenced by the person
12 who is the subject of the proceeding and if it is based on the person having markedly
13 subnormal intelligence or the person’s mental illness, incompetency, condition, or
14 disease:

15 1. An order entered by a court in this state that commits a person for treatment
16 in an inpatient mental health facility.

17 2. A determination by a court in this state that a person is a danger to himself
18 or herself or others under s. 51.20 (1) (a) 2. or lacks the mental capacity to contract
19 or manage his or her own affairs.

20 **SECTION 17.** 175.35 (1) (at) of the statutes is amended to read:

21 175.35 (1) (at) “Firearms restrictions record search” means a search of
22 department of justice records to determine whether a person seeking to purchase a
23 handgun is prohibited from possessing a firearm under s. 941.29 or based on a
24 disqualifying mental health adjudication. “Firearms restriction record search”
25 includes a criminal history record search, a search to determine whether a person is

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1 prohibited from possessing a firearm under s. 51.20 (13) (cv), a search to determine
2 whether the person is subject to an injunction under s. 813.12 or 813.122, or a tribal
3 injunction, as defined in s. 813.12 (1) (e), issued by a court established by any
4 federally recognized Wisconsin Indian tribe or band, except the Menominee Indian
5 tribe of Wisconsin, that includes notice to the respondent that he or she is subject to
6 the requirements and penalties under s. 941.29 and that has been filed with the
7 circuit court under s. 806.247 (3), and a search to determine whether the person is
8 prohibited from possessing a firearm under s. 813.125 (4m).

9 **SECTION 18.** 175.35 (2) (d) of the statutes is amended to read:

10 175.35 (2) (d) Forty-eight hours, subject to extension under sub. (2g) (c) 4. c.,
11 have elapsed from the time that the firearms dealer has received a confirmation
12 number regarding the firearms restrictions record search under sub. (2g) (c) from the
13 department of justice and the firearms dealer has not been notified that the transfer
14 would be in violation of s. 941.29 or that the transferee would be prohibited from
15 possessing a firearm based on a disqualifying mental health adjudication.

16 **SECTION 19.** 175.35 (2g) (c) 4. a. and b. of the statutes are amended to read:

17 175.35 (2g) (c) 4. a. If the search indicates that the transferee is prohibited from
18 possessing a firearm under s. 941.29 or based on a disqualifying mental health
19 adjudication, the department shall provide the firearms dealer with a unique
20 nonapproval number. The department may not disclose to the firearms dealer the
21 reason the transferee is prohibited from possessing a firearm under s. 941.29.

22 b. If the search indicates that the transferee is not prohibited from possessing
23 a firearm under s. 941.29 or based on a disqualifying mental health adjudication, the
24 department shall provide the firearms dealer with a unique approval number.

25 **SECTION 20.** 175.35 (2k) (ar) 2. of the statutes is amended to read:

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1 175.35 **(2k)** (ar) 2. Check each duplicate notification form received under sub.
2 (2j) against the information recorded by the department regarding the corresponding
3 request for a firearms restrictions record search under sub. (2g). If the department
4 previously provided a unique approval number regarding the request and nothing
5 in the duplicate completed notification form indicates that the transferee is
6 prohibited from possessing a firearm under s. 941.29 or based on a disqualifying
7 mental health adjudication, the department shall destroy all records regarding that
8 firearms restrictions record search within 30 days after receiving the duplicate form.

9 **SECTION 21.** 175.50 of the statutes is created to read:

10 **175.50 License to carry a concealed weapon. (1) DEFINITIONS.** In this
11 section:

12 (ab) "Alcohol beverages" has the meaning given in s. 125.02 (1).

13 (abm) "Alcohol concentration" has the meaning given in s. 340.01 (1v).

14 (ac) "Background check" means a search of department and court records
15 conducted under sub. (9g) to determine a person's eligibility for a license to carry a
16 concealed weapon.

17 (ag) Except in subs. (2g) (b) and (11) (c) 1. b., "carry" means to go armed with.

18 (ah) "Controlled substance" means a controlled substance, as defined in s.
19 961.01 (4), or a controlled substance analog, as defined in s. 961.01 (4m).

20 (aj) "Department" means the department of justice.

21 (am) "Drunk driving offense" means any of the following:

22 1. A violation of s. 346.63 or a local ordinance in conformity with that section.

23 2. A violation of a law of a federally recognized American Indian tribe or band
24 in this state in conformity with s. 346.63.

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1 3. A violation of the law of another jurisdiction, as defined in s. 340.01 (41m),
2 that prohibits use of a motor vehicle while intoxicated, while under the influence of
3 a controlled substance, a controlled substance analog, or a combination thereof, with
4 an excess or specified range of alcohol concentration, or while under the influence of
5 any drug to a degree that renders the person incapable of safely driving, as those or
6 substantially similar terms are used in that jurisdiction's laws.

7 (bm) "Handgun" means any weapon designed or redesigned, or made or
8 remade, and intended to be fired while held in one hand and to use the energy of an
9 explosive to expel a projectile through a smooth or rifled bore. "Handgun" does not
10 include a machine gun, as defined in s. 941.27 (1), a short-barreled rifle, as defined
11 in s. 941.28 (1) (b), or a short-barreled shotgun, as defined in s. 941.28 (1) (c).

12 (bq) "Intoxicant" means any alcohol beverage, controlled substance, or other
13 drug, or any combination thereof.

14 (c) "Law enforcement officer" has the meaning given in s. 165.85 (2) (c).

15 (d) "Licensee" means an individual holding a valid license to carry a concealed
16 weapon issued under this section.

17 (e) "Misdemeanor crime of violence" means any of the following:

18 1. A misdemeanor violation of chs. 940, 941, or 948 or of s. 947.013 or a violation
19 of s. 947.01.

20 2. A crime under federal law or the law of another state that is comparable to
21 a crime described in subd. 1.

22 (eg) "Misdemeanor delinquency adjudication" means a finding that a juvenile
23 is delinquent for an act that would be a misdemeanor if committed by an adult.

24 (f) "Out-of-state authorization" means a valid permit document or a valid
25 license document issued by another state if all of the following apply:

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1 1. The permit document or license document documents that a person is
2 authorized under the law of that state to carry a concealed weapon in that state.

3 2. The state is listed in the rule promulgated by the department of justice under
4 s. 165.25 (11) (b).

5 (g) “Out-of-state licensee” means an individual who is 21 years of age or over,
6 who is not a Wisconsin resident, who has been issued an out-of-state authorization,
7 and who is not prohibited from possessing a firearm under s. 941.29 or from
8 possessing a firearm that has been transported in interstate or foreign commerce
9 under federal law.

10 (h) “Private property” has the meaning given in s. 943.13 (1e) (e).

11 (i) “Proprietor” means a person to whom a Class “B” or “Class B” license or
12 permit has been issued under ch. 125.

13 (ig) “Purpose of authorized analysis” means for the purpose of determining or
14 obtaining evidence of the presence, quantity, or concentration of any intoxicant in a
15 person’s blood, breath, or urine.

16 (is) “Test facility” means a test facility or agency prepared to administer tests
17 under s. 343.305 (2).

18 (j) “Weapon” means a handgun, an electric weapon, as defined in s. 941.295 (4),
19 a tear gas gun, a knife other than a switchblade knife under s. 941.24, or a billy club.

20 **(2) ISSUANCE OF LICENSE.** (a) Except as provided in pars. (b) 1. and (c), each
21 county, through its sheriff, shall issue licenses to carry a concealed weapon to an
22 individual who meets the qualifications specified in sub. (3) and who completes the
23 application process specified in sub. (7). A license to carry a concealed weapon issued
24 under this section shall meet the requirements specified in sub. (2m).

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1 (b) 1. A sheriff may, but is not required to, issue licenses to carry a concealed
2 weapon under this section if, before the first day of the 4th month beginning after the
3 effective date of this subdivision [revisor inserts date], all of the following occur:

4 a. The sheriff requests the county board of the sheriff's county to authorize him
5 or her to decline to issue licenses to carry a concealed weapon under this section.

6 b. After receiving a request from the sheriff under subd. 1. a., the county board
7 of the sheriff's county grants the sheriff's request by a two-thirds vote of all the
8 members of the board.

9 2. At any time the county board of the sheriff's county may rescind the
10 authorization it grants under subd. 1. by a two-thirds vote of all members of the
11 county board.

12 (c) Any 2 or more sheriffs may by agreement jointly exercise powers granted
13 to them and discharge duties imposed on them under this section. An agreement for
14 joint issuance of licenses to carry a concealed weapon under this section may be
15 entered into at any time and shall satisfy all of the following criteria:

16 1. The agreement shall be in writing.

17 2. The agreement shall be approved by the county board of the county of each
18 sheriff who is a party to the agreement.

19 2m. The agreement shall specify how the powers and duties that are the subject
20 of the agreement are to be allocated among the sheriffs that are parties to the
21 agreement.

22 3. The agreement shall specify how costs incurred and moneys received under
23 this section shall be apportioned among the sheriffs who are a party to the agreement
24 and their respective counties.

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1 4. The agreement shall designate one county to be identified as the county of
2 issuance.

3 5. If a sheriff who is party to an agreement has issued licenses under this
4 section before entering into the agreement, the agreement shall provide for the
5 renewal of any licenses that were issued by that sheriff before he or she entered into
6 the agreement.

7 **(2g) CARRYING A CONCEALED WEAPON; CARRYING AND DISPLAY OF LICENSE DOCUMENT**
8 OR AUTHORIZATION. (a) A licensee or an out-of-state licensee may carry a concealed
9 weapon anywhere in this state except as provided under sub. (15m) or (16) or s.
10 941.20 (1) (b) or 943.13 (1m) (c). This paragraph does not limit the right that a person
11 may have under s. 943.13 (1m) (c) to prohibit a licensee or an out-of-state licensee
12 from entering or remaining in a building used by a health care facility, as defined in
13 s. 150.84 (2), or a clinic or office that is used by a physician licensed under ch. 448
14 if the licensee or out-of-state licensee is carrying a concealed weapon. In this
15 paragraph, "building" includes a part of a building.

16 (b) A licensee shall carry his or her license document and an out-of-state
17 licensee shall carry his or her out-of-state authorization at all times during which
18 he or she is going armed with a concealed weapon.

19 (c) If he or she is carrying a concealed weapon, a licensee shall display his or
20 her license document and an out-of-state licensee shall display his or her
21 out-of-state authorization to a law enforcement officer upon the request of the law
22 enforcement officer.

23 **(2i) PRELIMINARY BREATH SCREENING TEST.** (a) *Requirement.* A person shall
24 provide a sample of his or her breath for a preliminary breath screening test if a law
25 enforcement officer has probable cause to believe that the person is violating sub.

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1 (16) (cm) 1. and if, prior to an arrest, the law enforcement officer requested that the
2 person provide this sample.

3 (b) *Use of test results.* A law enforcement officer may use the results of a
4 preliminary breath screening test for the purpose of deciding whether or not to arrest
5 a person for a violation of sub. (16) (cm) 1. or for the purpose of deciding whether or
6 not to request a chemical test under sub. (2k). Following the preliminary breath
7 screening test, chemical tests may be required of the person under sub. (2k).

8 (c) *Admissibility.* The result of a preliminary breath screening test is not
9 admissible in any action or proceeding except to show probable cause for an arrest,
10 if the arrest is challenged, or to show that a chemical test was properly required of
11 a person under sub. (2k).

12 (d) *Refusal.* There is no penalty for a violation of par. (a). Neither sub. (17) (b)
13 nor the general penalty provision under s. 939.61 applies to that violation.

14 **(2j)** IMPLIED CONSENT. Any person who carries a concealed weapon in this state
15 is deemed to have given consent to provide one or more samples of his or her breath,
16 blood, or urine for the purpose of authorized analysis as required under sub. (2k).
17 Any person who carries a concealed weapon in this state is deemed to have given
18 consent to submit to one or more chemical tests of his or her breath, blood, or urine
19 for the purpose of authorized analysis as required under sub. (2k).

20 **(2k)** CHEMICAL TESTS. (a) *Requirement.* 1. 'Samples; submission to tests.' A
21 person shall provide one or more samples of his or her breath, blood, or urine for the
22 purpose of authorized analysis if he or she is arrested for a violation of sub. (16) (cm)
23 1. and if he or she is requested to provide the sample by a law enforcement officer.
24 A person shall submit to one or more chemical tests of his or her breath, blood, or
25 urine for the purpose of authorized analysis if he or she is arrested for a violation of

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1 sub. (16) (cm) 1. and if he or she is requested to submit to the test by a law
2 enforcement officer.

3 2. 'Information.' A law enforcement officer requesting a person to provide a
4 sample or to submit to a chemical test under subd. 1. shall inform the person of all
5 of the following at the time of the request and prior to obtaining the sample or
6 administering the test:

7 a. That he or she is deemed to have consented to tests under sub. (2i).

8 b. That a refusal to provide a sample or to submit to a chemical test constitutes
9 a violation under par. (e) and is subject to the same penalties and procedures as a
10 violation of sub. (16) (cm) 1.

11 c. That in addition to the designated chemical test under par. (b) 2. he or she
12 may have an additional chemical test under par. (c) 1.

13 3. 'Unconscious person.' A person who is unconscious or otherwise not capable
14 of withdrawing consent is presumed not to have withdrawn consent under this
15 paragraph, and if a law enforcement officer has probable cause to believe that the
16 person violated sub. (16) (cm) 1., one or more chemical tests may be administered to
17 the person without a request under subd. 1. and without providing information
18 under subd. 2.

19 (b) *Chemical tests.* 1. 'Test facility.' Upon the request of a law enforcement
20 officer, a test facility shall administer a chemical test of breath, blood, or urine for
21 the purpose of authorized analysis. A test facility shall be prepared to administer
22 2 of the 3 chemical tests of breath, blood, or urine for the purpose of authorized
23 analysis. The department may enter into agreements for the cooperative use of test
24 facilities.

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1 2. 'Designated chemical test.' A test facility shall designate one chemical test
2 of breath, blood, or urine which it is prepared to administer first for the purpose of
3 authorized analysis.

4 3. 'Additional chemical test.' A test facility shall specify one chemical test of
5 breath, blood, or urine, other than the test designated under subd. 2., which it is
6 prepared to administer for the purpose of authorized analysis as an additional
7 chemical test.

8 4. 'Validity; procedure.' A chemical test of blood or urine conducted for the
9 purpose of authorized analysis is valid as provided under s. 343.305 (6). The duties
10 and responsibilities of the laboratory of hygiene, department of health and family
11 services, and department of transportation under s. 343.305 (6) apply to a chemical
12 test of blood or urine conducted for the purpose of authorized analysis under this
13 subsection. Blood may be withdrawn from a person arrested for a violation of sub.
14 (16) (cm) 1. only by a physician, registered nurse, medical technologist, physician
15 assistant, or person acting under the direction of a physician and the person who
16 withdraws the blood, the employer of that person, and any hospital where blood is
17 withdrawn have immunity from civil or criminal liability as provided under s.
18 895.53.

19 5. 'Report.' A test facility which administers a chemical test of breath, blood,
20 or urine for the purpose of authorized analysis under this subsection shall prepare
21 a written report which shall include the findings of the chemical test, the
22 identification of the law enforcement officer or the person who requested a chemical
23 test, and the identification of the person who provided the sample or submitted to the
24 chemical test. The test facility shall transmit a copy of the report to the law

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1 enforcement officer and the person who provided the sample or submitted to the
2 chemical test.

3 (c) *Additional and optional chemical tests.* 1. 'Additional chemical test.' If a
4 person is arrested for a violation of sub. (16) (cm) 1. and if the person is requested to
5 provide a sample or to submit to a test under par. (a) 1., the person may request the
6 test facility to administer the additional chemical test specified under par. (b) 3. or,
7 at his or her own expense, reasonable opportunity to have any qualified person
8 administer a chemical test of his or her breath, blood, or urine for the purpose of
9 authorized analysis.

10 2. 'Optional test.' If a person is arrested for a violation of sub. (16) (cm) 1. and
11 if the person is not requested to provide a sample or to submit to a test under par. (a)
12 1., the person may request the test facility to administer a chemical test of his or her
13 breath or, at his or her own expense, reasonable opportunity to have any qualified
14 person administer a chemical test of his or her breath, blood, or urine for the purpose
15 of authorized analysis. If a test facility is unable to perform a chemical test of breath,
16 the person may request the test facility to administer the designated chemical test
17 under par. (b) 2. or the additional chemical test under par. (b) 3.

18 3. 'Compliance with request.' A test facility shall comply with a request under
19 this paragraph to administer any chemical test that it is able to perform.

20 4. 'Inability to obtain chemical test.' The failure or inability of a person to
21 obtain a chemical test at his or her own expense does not preclude the admission of
22 evidence of the results of a chemical test required and administered under pars. (a)
23 and (b).

24 (d) *Admissibility; effect of test results; other evidence.* The results of a chemical
25 test required or administered under par. (a), (b), or (c) are admissible in any civil or

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1 criminal action or proceeding arising out of the acts committed by a person alleged
2 to have violated sub. (16) (cm) 1. on the issue of whether the person had alcohol
3 concentrations at or above specified levels or was under the influence of an
4 intoxicant. Results of these chemical tests shall be given the effect required under
5 s. 885.235. This subsection does not limit the right of a law enforcement officer to
6 obtain evidence by any other lawful means.

7 (e) *Refusal.* No person may refuse a lawful request to provide one or more
8 samples of his or her breath, blood, or urine or to submit to one or more chemical tests
9 under par. (a). A person shall not be deemed to refuse to provide a sample or to submit
10 to a chemical test if it is shown by a preponderance of the evidence that the refusal
11 was due to a physical inability to provide the sample or to submit to the test due to
12 a physical disability or disease unrelated to the use of an intoxicant. Issues in any
13 action concerning a violation of par. (a) or this paragraph are limited to:

14 1. Whether the law enforcement officer had probable cause to believe the
15 person was violating or had violated sub. (16) (cm) 1.

16 2. Whether the person was lawfully placed under arrest for violating sub. (16)
17 (cm) 1.

18 3. Whether the law enforcement officer requested the person to provide a
19 sample or to submit to a chemical test and provided the information required under
20 par. (a) 2. or whether the request and information were unnecessary under par. (a)
21 3.

22 4. Whether the person refused to provide a sample or to submit to a chemical
23 test.

24 **(2m)** LICENSE DOCUMENT; CONTENT OF LICENSE. (a) Subject to pars. (b), (c), and
25 (d), the department shall design a single license document for licenses issued and

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1 renewed under this section. The department shall complete the design of the license
2 document no later than the first day of the 4th month beginning after the effective
3 date of this paragraph [revisor inserts date], and shall distribute the design for
4 the license document to any sheriff who issues licenses under sub. (2) (a) or (c) for the
5 sheriff to use for licenses that he or she issues under this section.

6 (b) A license document for a license issued under this section shall contain all
7 of the following on one side:

8 1. The full name, date of birth, and residence address of the licensee.

9 2. A color photograph of the licensee.

10 3. A physical description of the licensee, including gender, height, weight, and
11 hair and eye color.

12 4. The date on which the license was issued.

13 5. The date on which the license expires.

14 6. The name of this state.

15 7. The name of the county that issues the license.

16 8. A unique identification number for each licensee that begins with a unique
17 code number, which the department shall establish, for the county listed in subd. 7.

18 (c) The license document may not contain the licensee's social security number.

19 (d) A license document issued under this section shall be, to the maximum
20 extent possible, tamper proof. The contents of the license document shall be included
21 in the document in substantially the same way that the contents of an operator's
22 license document issued under s. 343.17 are included on that document.

23 **(3) QUALIFICATIONS FOR OBTAINING A LICENSE.** An individual is eligible for a
24 license under this section if all of the following apply:

25 (a) The individual is at least 21 years of age.

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1 (b) The individual does not have a physical disability that prevents him or her
2 from safely handling a weapon. The department shall promulgate rules specifying
3 the procedures and definitions that the sheriff is required to apply when determining
4 whether an individual is ineligible for a license under this section because he or she
5 has a physical disability that prevents him or her from safely handling a weapon.

6 (c) The individual is not prohibited under federal law from possessing a firearm
7 that has been transported in interstate or foreign commerce.

8 (d) The individual is not prohibited from possessing a firearm under s. 941.29.

9 (e) During the preceding 3 years, the individual has not been civilly committed
10 under s. 51.20 for being drug dependent.

11 (f) During the preceding 3 years, the individual has not been convicted for any
12 violation, or for the solicitation, conspiracy, or attempt to commit any violation, of ch.
13 961 or of a federal law or a law of another state that is comparable to any provision
14 of ch. 961.

15 (g) The individual does not chronically and habitually use alcohol beverages or
16 other substances to the extent that his or her normal faculties are impaired. A person
17 is presumed chronically and habitually to use alcohol beverages or other substances
18 to the extent that his or her normal faculties are impaired if, within the preceding
19 3 years, any of the following applies:

20 1. The individual has been committed for involuntary treatment under s. 51.45
21 (13).

22 2. The individual has been convicted of a violation of s. 941.20 (1) (b).

23 3. In 2 or more cases arising out of separate incidents, a court has found the
24 individual to have committed a drunk driving offense.

25 (h) The individual has done one of the following:

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1 2. Successfully completed a National Rifle Association firearm training or
2 firearm safety course or class that meets the requirements under sub. (4m).

3 3. Successfully completed a firearm training or firearm safety course or class
4 that meets the requirements under sub. (4m) and that is conducted by an instructor
5 certified by the state in which the course or class was conducted, by the National Rifle
6 Association, or by another national or state organization that certifies firearms
7 instructors.

8 4. Successfully completed a firearm safety or firearm training course or class
9 that is available to the general public, that meets the requirements under sub. (4m),
10 and that is offered by a law enforcement agency, a private or public school,
11 institution, or organization, or a firearm training school, if the course or class uses
12 instructors certified by the National Rifle Association, by another national or state
13 organization that certifies firearms instructors, or by the department or if the
14 curriculum meets the minimum requirements of the law enforcement standards
15 board.

16 5. Successfully completed a firearm safety or firearm training course or class
17 that meets the requirements under sub. (4m) and that is offered for law enforcement
18 officers, correctional officers, special deputies, private detectives licensed under s.
19 440.26, or other security or law enforcement personnel.

20 6. Participated in organized shooting competitions or military training that
21 gave the applicant experience with firearms that the sheriff determines is
22 substantially equivalent to any course or class specified in subds. 2. to 5.

23 (i) The individual has not been found incompetent under ch. 880 or, if the
24 individual has been found incompetent under ch. 880, he or she was subsequently

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1 found to be competent and at least 5 years have elapsed from the date that he or she
2 was found to be competent.

3 (im) The individual was not the subject of a protective placement under s. 55.06
4 as a minor unless at least 5 years have elapsed from the date on which his or her
5 protective placement ended.

6 (j) The individual has not been involuntarily committed for treatment under
7 s. 51.20 due to mental illness or a developmental disability or, if the individual has
8 been involuntarily committed for treatment under s. 51.20 due to mental illness or
9 a developmental disability, he or she shows, through evidence from a psychiatrist
10 licensed in this state, that he or she has not been disabled due to mental illness or
11 a developmental disability for at least 5 years.

12 (k) The individual has not been found incompetent under s. 971.14 or, if the
13 individual has been found incompetent under s. 971.14, one of the following applies:

14 1. He or she was subsequently found to be competent and at least 5 years have
15 elapsed from the date that he or she was found to be competent.

16 2. He or she was not subsequently found to be competent and he or she shows,
17 through evidence from a psychiatrist licensed in this state, that he or she has not
18 been disabled due to mental illness or a developmental disability for at least 5 years.

19 (L) The individual has not been found not guilty by reason of mental disease
20 or defect under s. 971.17 or, if the individual has been found not guilty by reason of
21 mental disease or defect under s. 971.17, he or she presents evidence from a
22 psychiatrist licensed in this state that he or she has not been disabled due to mental
23 illness or a developmental disability for at least 5 years.

24 (m) Within the preceding 3 years, the individual was not convicted of a
25 misdemeanor crime of violence or was not serving a sentence, on probation, or subject

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1 to a dispositional order under ch. 938 for committing a misdemeanor crime of
2 violence.

3 (mg) The individual has not been prohibited from obtaining a license under
4 sub. (10m) based on the individual having committed a misdemeanor crime of
5 violence.

6 (n) The individual has not been charged with a felony or a misdemeanor crime
7 of violence for which the prosecution was suspended under a deferred prosecution
8 agreement unless 3 years have elapsed since the date of the agreement.

9 (o) The individual is not the subject of any pending civil or criminal case, the
10 disposition of which could disqualify him or her from having a license under this
11 subsection.

12 (p) The individual has not previously submitted an application for a license
13 under this section to any county and had the application denied, unless each reason
14 for the denial is no longer applicable because of changed circumstances or, if the
15 denial was based on a restriction under this subsection that applies for a specified
16 period of time, because that time period has run.

17 (q) The individual has not had a license that was issued under this section
18 revoked, unless each reason for the revocation is no longer applicable because of
19 changed circumstances or, if the revocation was based on a restriction under this
20 subsection that applies for a specified period of time, because that time period has
21 run.

22 (r) The individual has not been convicted under sub. (17) (c), (d), or (e).

23 (s) The individual is a Wisconsin resident.

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1 **(3m) FEDERAL PREEMPTION.** The requirements under sub. (3) (e), (g) 1., (i), (im),
2 (j), (k), and (L) apply only to a person who may lawfully possess a firearm under
3 federal law.

4 **(4m) COURSE OR CLASS REQUIREMENTS.** A firearm training or firearm safety
5 course or class under sub. (3) (h) 2. to 5. shall include all of the following:

6 (a) Instruction on how to handle, load, unload, and store handguns.

7 (b) Instruction on the privilege of self-defense and the defense of others under
8 s. 939.48.

9 (c) Instruction on how to avoid injuring 3rd parties when defending himself,
10 herself, or others in a manner that is privileged under s. 939.48.

11 (d) Basic self-defense principles.

12 (e) Instruction on how to carry a concealed handgun safely.

13 (f) Instruction on firing a handgun.

14 (g) Practice firing a handgun.

15 **(5) APPLICATION AND RENEWAL FORMS.** The department shall design an
16 application form for use by individuals who apply for a license under this section and
17 a renewal form for use by individuals applying for renewal of a license under sub.
18 (15). The department shall complete the design of the application form no later than
19 the first day of the 4th month beginning after the effective date of this subsection
20 [revisor inserts date], and shall complete the design of the renewal form no later than
21 the first day of the 54th month beginning after the effective date of this subsection
22 [revisor inserts date]. The department shall distribute the designs for both forms
23 to any sheriff who issues licenses under sub. (2) (a) or (c) for use in making the
24 application forms and the license renewal forms described in this section. The forms
25 designed by the department under this subsection shall only require the applicant

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1 to provide his or her name, address, date of birth, race, gender, height, weight, and
2 hair and eye color and shall include all of the following:

3 (e) A statement that the applicant is eligible for a license if the requirements
4 specified in sub. (3) are met.

5 (f) A statement explaining the privilege of self-defense and defense of others
6 under s. 939.48, with a place for the applicant to sign his or her name to indicate that
7 he or she has read and understands the statement.

8 (g) A statement that the applicant has received a copy of this section, with a
9 place for the applicant to sign his or her name to indicate that he or she has read and
10 understands the requirements of this section.

11 (h) A statement that the application is being made under oath and that an
12 applicant may be prosecuted if he or she gives a false answer to any question on the
13 application or submits a falsified document with the application.

14 (i) A statement of the penalties for giving a false answer to any question on the
15 application or submitting a falsified document with the application.

16 **(6) OATH.** An applicant shall swear under oath that the information that he or
17 she provides in an application submitted under sub. (7) and any document submitted
18 with the application is true and complete to the best of his or her knowledge.

19 **(7) SUBMISSION OF APPLICATION.** An individual may apply for a license under this
20 section with any sheriff. An applicant shall submit all of the following to the sheriff
21 through whom he or she is applying for a license:

22 (a) An application in the form prescribed under sub. (5) that has been sworn
23 to as required under sub. (6).

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1 (bd) A license fee set by the sheriff issuing the license that does not exceed
2 either the cost to the sheriff of issuing a license to an individual under this section,
3 including the cost of equipment purchase or rental, or \$75, whichever is less.

4 (bh) The fee for a background check specified in sub. (9g) (c).

5 (bp) A shooting range improvement fee of \$15.

6 (bt) A law enforcement excellence fund fee of \$15.

7 (d) A photocopy of a certificate or other evidence showing the applicant's
8 qualifications under sub. (3) (h).

9 (e) A full-face photograph of the applicant taken within the 30-day period
10 immediately preceding the date of the applicant's application.

11 **(9) PROCESSING OF APPLICATION.** (a) Upon receiving an application submitted
12 under sub. (7), a sheriff shall request that the department conduct a background
13 check, as provided under sub. (9g).

14 (b) Subject to pars. (c) and (d), within 30 days after receiving an application
15 under sub. (7), a sheriff shall do one of the following:

16 1. Issue the license and promptly send the licensee his or her license document
17 by 1st class mail.

18 2. Deny the application, but only if the applicant fails to qualify under the
19 criteria specified in sub. (3). If the sheriff denies the application, he or she shall
20 inform the applicant in writing, stating the reason and factual basis for the denial
21 to the extent permitted under federal law.

22 (c) Except as provided in sub. (9r) or (10), a sheriff may not issue a license until
23 7 days, subject to extension under sub. (9g) (b) 3. c., have elapsed from the time that
24 the sheriff has received a confirmation number regarding the background check
25 under sub. (9g) (b) 1. from the department, unless the department has notified the

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1 sheriff that the background check does not indicate that the applicant is disqualified
2 for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

3 (d) The time period specified in par. (b) is tolled during the pendency of any
4 action brought under sub. (10m).

5 **(9g) BACKGROUND CHECKS.** (a) A sheriff shall request that the department
6 conduct a background check by calling the department, using a toll-free telephone
7 number provided by the department, and providing the department with the name,
8 date of birth, gender, and race of the applicant.

9 (b) Upon receiving a request under par. (a), the department shall conduct a
10 background check using the following procedure:

11 1. The department shall provide the sheriff with a confirmation number
12 confirming the receipt of the information under par. (a).

13 2. The department shall conduct the background check regarding an applicant
14 for a license under this section. In conducting a background check under this
15 subdivision, the department shall use the transaction information for management
16 of enforcement system and the national crime information center system.

17 3. The department shall notify the sheriff, either during the initial telephone
18 call or as soon thereafter as practicable, of the results of the background check as
19 follows:

20 a. If the background check indicates that the applicant does not qualify for a
21 license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the
22 department shall provide the sheriff with a unique nonapproval number. The
23 department shall disclose to the sheriff the reason the applicant does not qualify for
24 a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r).

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1 b. If the completed background check does not indicate that the applicant is
2 disqualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
3 (n), (o), or (r), the department shall provide the sheriff with a unique approval
4 number.

5 c. If the background check indicates that the applicant was the subject of a
6 relevant criminal charge for which there is no recorded disposition or if, in the case
7 of a misdemeanor delinquency adjudication, the background check does not indicate
8 how long the resultant dispositional order was in effect, and the 7-day time period
9 described in sub. (9) (c) has not yet run, that time period is extended by 72 hours.
10 The department shall notify the sheriff of the extension as soon as practicable.
11 During the extended period, the department shall make all reasonable efforts to
12 obtain the missing information and shall notify the sheriff of the results of its efforts
13 as soon as practicable.

14 (bm) The department shall conduct the background check under par. (b)
15 immediately if, when requesting it under par. (a), the sheriff informs the department
16 that the background check is for an applicant for an emergency license under sub.
17 (9r).

18 (c) The department shall charge a sheriff a fee of \$8 for each background check
19 that the sheriff requests under par. (a), except that the department shall waive the
20 fee if, when requesting the background check, the sheriff informs the department
21 that the fee is being waived under sub. (9r) (c). The sheriff shall collect the fee from
22 the applicant unless the fee is waived under sub. (9r) (c).

23 (d) A sheriff shall maintain the original record of all completed application
24 forms and a record of all confirmation numbers and corresponding approval or
25 nonapproval numbers that he or she receives regarding background checks under

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1 this subsection. The sheriff shall mail a duplicate copy of each completed application
2 form to the department.

3 (e) 1. The department shall check each duplicate application form received
4 under par. (d) against the information recorded by the department regarding the
5 corresponding request for a background check under this subsection. If the
6 department previously provided a unique approval number regarding the request
7 and nothing in the duplicate completed application form indicates that the applicant
8 is not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
9 (n), (o), or (r), the department shall, except as provided in subd. 2., destroy all records
10 regarding that background check within 30 days after receiving the duplicate form.
11 If the department previously provided a unique approval number regarding the
12 request and the duplicate completed application form indicates that the applicant is
13 not qualified for a license under sub. (3) (c), (d), (e), (f), (g), (i), (im), (j), (k), (L), (m),
14 (n), (o), or (r), the department shall immediately notify the sheriff who issued the
15 license, and the sheriff shall revoke the license.

16 2. The department may maintain records necessary to administer this
17 subsection and, for a period of not more than 3 years after the department issues a
18 unique approval number, a log of dates of requests for background checks under this
19 subsection together with confirmation numbers and unique approval and
20 nonapproval numbers corresponding to those dates.

21 (f) The department shall promulgate rules authorizing it to obtain records
22 necessary to determine an applicant's eligibility under sub. (3) (e), (g) 1., (i), (im), and
23 (j) for a license issued under this section. The department may not disclose
24 information that it obtains under rules issued under this paragraph except to a
25 sheriff under par. (b) 3. or sub. (9r) (b) 2. or (11) (d) 3.

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1 **(9r)** EMERGENCY LICENSE. (a) Unless the sheriff knows that the person is not
2 qualified for a license under sub. (3) (a) to (g) or (i) to (s), a sheriff may issue a license
3 under this section to an individual who does not satisfy the requirements under sub.
4 (3) (h) without regard for the waiting period under sub. (9) (c) if the sheriff determines
5 that immediate licensure is warranted to protect the individual from death or great
6 bodily harm, as defined in s. 939.22 (14). A sheriff who issues a license under this
7 paragraph shall notify the department and request an immediate background check
8 under sub. (9g).

9 (b) 1. Except as provided in subd. 2. and par. (d), a license issued under par. (a)
10 is valid for 120 days from the date on which it is issued and may not be renewed.

11 2. If the department notifies the sheriff that an individual to whom the sheriff
12 has issued a license under par. (a) does not qualify for a license under sub. (3) (c), (d),
13 (e), (f), (g), (i), (im), (j), (k), (L), (m), (n), (o), or (r), the sheriff shall revoke the license.

14 (c) A sheriff may waive the fees that would otherwise be required under subs.
15 (7) (bd), (bh), (bp), and (bt) and (9g) (c) for an individual who is applying for a license
16 under par. (a) if requiring the individual to pay the fees would create a hardship for
17 the individual. The department shall promulgate rules specifying the procedures
18 and definitions that the sheriff is required to apply when determining whether an
19 individual is eligible for a waiver of the fees for an emergency license under this
20 section as provided under this paragraph.

21 (d) A person who has been issued a license under par. (a) may obtain a license
22 under sub. (2) if he or she meets the qualifications specified under sub. (3) and
23 completes the application process specified in sub. (7). A license issued to a person
24 under par. (a) is void if the person is issued a license under sub. (2).

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1 **(10) EXEMPTION FROM BACKGROUND CHECK.** Notwithstanding subs. (9) (a) and
2 (15) (c), a sheriff shall issue or renew a license under this section to any of the
3 following individuals without waiting 7 days or requesting a background check:

4 (a) A law enforcement officer.

5 (b) A correctional officer.

6 (c) A probation, parole, and extended supervision agent.

7 (d) A person who holds a current certification from the law enforcement
8 standards board under s. 165.85 (3) (c).

9 **(10m) DISQUALIFICATION PETITION REGARDING CERTAIN MISDEMEANANTS.** (a) If a
10 sheriff receives an application for a license under this section from a person who has
11 committed a misdemeanor crime of violence and the person is eligible for a license
12 under sub. (3) (m), the sheriff may file a petition under this subsection asking the
13 circuit court to enter an order barring the person from receiving a license. The
14 petition shall allege that the person would pose a substantial risk to others if the
15 person were granted a license under this section.

16 (b) The sheriff shall file any such petition in the circuit court of the sheriff's
17 county, or if applicable, the circuit court of the county of issuance designated under
18 sub. (2) (c). The sheriff may not file the petition more than 30 days after receiving
19 the person's completed application, unless the person was issued a license under sub.
20 (9r). The court shall allow the person 30 days to file an answer to the petition. The
21 court may hold an evidentiary hearing on the petition.

22 (c) If the court determines, by clear and convincing evidence, that the person
23 would pose a substantial risk to others if the person were granted a license under this
24 section, the court shall enter an order prohibiting the person from obtaining a license
25 under this section.

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1 (d) If the court denies the sheriff's petition, the court shall award the person
2 costs and reasonable attorney fees.

3 (e) The court shall expedite any proceeding brought under this subsection.

4 **(11) LICENSEE INFORMATION.** (a) A sheriff who issues licenses to carry a
5 concealed weapon under this section shall, within 5 days after issuing a license,
6 notify the department that he or she has issued a license under this section and
7 provide the department with the information specified in sub. (2m) (b) concerning the
8 individual to whom the license was issued.

9 (am) The department shall maintain a computerized record listing the names
10 of all individuals who have been issued a license under this section along with the
11 information concerning each individual that is provided to the department by a
12 sheriff under par. (a). After entering the information that it receives under par. (a),
13 the department may not store, maintain, format, sort, or access the information in
14 any way other than by the name of the licensee or the identification number assigned
15 to the licensee under sub. (2m) (b) 8.

16 (c) 1. The department and any sheriff issuing licenses under this section shall
17 provide information concerning a specific licensee to a law enforcement agency, but
18 only if the law enforcement agency is requesting the information for any of the
19 following purposes:

20 a. To confirm that a license produced by an individual at the request of a law
21 enforcement officer is valid.

22 b. To confirm that the individual holds a valid license under this section, if the
23 individual is going armed with a concealed weapon but is not carrying his or her
24 license document and claims to hold a valid license issued under this section.

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1 c. To investigate whether an individual intentionally falsely swore under sub.
2 (6) or (15) (b) 2., intentionally violated sub. (12) (a), or intentionally made a false
3 statement to a sheriff in connection with the individual's request for an emergency
4 license under sub. (9r).

5 2. If the department maintains information compiled under this section
6 regarding licensees through the transaction information for the management of
7 enforcement system and a law enforcement officer uses that system in the context
8 of a vehicle stop that meets the requirements of s. 349.02 (2) (a), the law enforcement
9 officer may only obtain information from that system regarding the licensee's status
10 as a licensee for the purposes listed in subd. 1.

11 (d) 1. In this paragraph:

12 a. "Clerk" means the clerk of the circuit court or, if it has enacted a law or an
13 ordinance in conformity with s. 346.63, the clerk of the court for a federally
14 recognized American Indian tribe or band in this state, a city, a village, or a town.

15 b. "Court automated information systems" means the systems under s. 758.19
16 (4).

17 2. The court automated information systems, or the clerk or register in probate,
18 if the information is not contained in or cannot be transmitted by the court
19 automated information systems, shall promptly notify the department of the name
20 of any individual with respect to whom any of the following occurs and the specific
21 reason for the notification:

22 a. The individual is charged with a felony, a misdemeanor crime of violence, a
23 violation of ch. 961, the solicitation, conspiracy, or attempt to commit any violation
24 of ch. 961, a violation of s. 941.20 (1) (b), a violation of sub. (17) (c), (d), or (e), or any

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1 other crime that, upon conviction, would disqualify the individual from having a
2 license under this section.

3 b. The individual is charged with a drunk driving offense.

4 c. The individual is found by a court to have committed any offense described
5 in subd. 2. a. or b.

6 d. Prosecution of a felony or a misdemeanor crime of violence for which the
7 individual is charged is suspended under a deferred prosecution agreement.

8 e. The individual is found incompetent under s. 971.14.

9 f. The individual is found not guilty of any crime by reason of mental disease
10 or mental defect under s. 971.17.

11 g. The individual is involuntarily committed for treatment under s. 51.20 or
12 51.45.

13 h. The individual is found incompetent under ch. 880.

14 i. The individual becomes subject to an injunction described in s. 941.29 (1) (f)
15 or is ordered not to possess a firearm under s. 813.125 (4m).

16 j. A court has prohibited the individual from possessing a dangerous weapon
17 under s. 969.02 (3) (c).

18 3. Upon receiving a notice under subd. 2., the department shall immediately
19 determine if the individual who is the subject of the notice is a licensee, using the list
20 maintained under par. (am). If the department determines that the individual is a
21 licensee, the department shall immediately inform the sheriff of the county that
22 issued the license of the individual's name and the basis for the notice under subd.
23 2.

24 **(12)** UPDATED INFORMATION. (a) Within 10 days after being charged under
25 federal law or the law of another state with any crime or any drunk driving offense,

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1 a licensee shall notify the sheriff of the county that issued his or her license of the
2 charge.

3 (b) No later than 30 days after changing his or her address, a licensee shall
4 inform the sheriff of the county that issued the license of his or her new address. The
5 sheriff shall provide the individual's new address to the department for inclusion in
6 the list under sub. (11) (am).

7 **(13) LOST OR DESTROYED LICENSE.** No later than 30 days after losing his or her
8 license document or after his or her license document is destroyed, a licensee shall
9 submit to the sheriff of the county that issued the license a notarized statement that
10 his or her license document has been lost or destroyed. The sheriff shall issue a
11 replacement license document upon receiving the notarized statement and a
12 replacement license fee of \$15.

13 **(14) LICENSE REVOCATION AND SUSPENSION.** (a) A sheriff shall revoke a license
14 that his or her county issued under this section if the licensee no longer meets all of
15 the criteria specified in sub. (3) (b) to (g), (i) to (n), or (p) to (s).

16 (am) 1. If any of the following occurs with respect to a licensee, the sheriff of
17 the county that issued the license shall suspend the licensee's license:

18 a. The licensee is the subject of a pending civil or criminal case, the disposition
19 of which could require revocation of his or her license under par. (a).

20 b. A court has prohibited the licensee from possessing a dangerous weapon
21 under s. 969.02 (3) (c).

22 2. If the sheriff suspends a license under subd. 1., he or she shall restore the
23 license if, upon disposition of the case, the person to whom the license was issued
24 meets all of the criteria specified in sub. (3).

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1 (b) 1. If a sheriff revokes or suspends a license under this section, the revocation
2 or suspension shall take effect immediately.

3 2. A sheriff who suspends or revokes a license issued under this section shall
4 send the individual whose license has been suspended or revoked notice of the
5 suspension or revocation by certified mail within one day after the suspension or
6 revocation. Within 7 days after receiving the notice, the individual whose license has
7 been suspended or revoked shall deliver the license document personally or by
8 certified mail to the sheriff.

9 **(14m)** APPEALS. (a) A person aggrieved by any action by a sheriff denying an
10 application for a license or suspending or revoking a license under this section may
11 appeal directly to the circuit court of the sheriff's county or, if applicable, to the circuit
12 court of the county of issuance designated under sub. (2) (c).

13 (b) To begin an appeal under this subsection, the aggrieved person shall file a
14 petition for review with the clerk of the applicable circuit court within 30 days after
15 the date of the sheriff's action or, if applicable, within 30 days after the date of the
16 notice provided to the person under sub. (9) (b) 2. The petition shall state the
17 substance of the sheriff's action that the person is appealing from and the grounds
18 upon which the person believes the sheriff's action to be improper. The petition may
19 include a copy of any records or documents that are relevant to the grounds upon
20 which the person believes the sheriff's action to be improper.

21 (c) A copy of the petition shall be served upon the sheriff either personally or
22 by registered or certified mail within 5 days after the person files his or her petition
23 under par. (b).

24 (d) The sheriff shall file an answer within 15 days after being served with the
25 petition under par. (c). The answer shall include a brief statement of the actions

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1 taken by the sheriff, and a copy of any documents or records on which the sheriff
2 based his or her action shall be included with the answer when filed.

3 (e) The court shall review the petition, the answer, and any records or
4 documents submitted with the petition or the answer. The review under this
5 paragraph shall be conducted by the court without a jury and shall be confined to the
6 petition, the answer, and any records or documents submitted with the petition or
7 the answer, except that in cases of alleged irregularities in procedure by the sheriff
8 the court may take testimony that the court determines is appropriate.

9 (f) The court shall affirm the sheriff's action unless the court finds any of the
10 following:

11 1. That the sheriff failed to follow procedure prescribed under this section.

12 2. That the sheriff erroneously interpreted a provision of law and a correct
13 interpretation compels a different action.

14 3. That the sheriff's action depends on a finding of fact that is not supported
15 by substantial evidence in the record.

16 (g) The court's decision shall provide whatever relief is appropriate regardless
17 of the original form of the petition.

18 **(15) LICENSE EXPIRATION AND RENEWAL.** (a) Except as provided in sub. (9r) (b)
19 1., a license issued under this section is valid for a period of 5 years from the date on
20 which the license is issued unless the license is suspended or revoked under sub. (9g)
21 (e) 1. or (14).

22 (b) The department shall design a form notice of expiration and shall distribute
23 the form to any sheriff who issues licenses under sub. (2) (a) or (c) for use under this
24 paragraph. At least 90 days before the expiration date of a license issued under this
25 section, the sheriff who issued the license shall mail to the licensee a notice of

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1 expiration and a form for renewing the license. The sheriff shall renew the license
2 if, before the date the license expires, the licensee does all of the following:

3 1. Submits a renewal application on the form provided by the sheriff.

4 2. Submits a notarized affidavit swearing under oath that the information
5 provided under subd. 1. is true and complete to the best of his or her knowledge and
6 that he or she is qualified under sub. (3).

7 4. Pays all of the following:

8 a. A fee set by the sheriff that does not exceed either the cost to the sheriff of
9 renewing a license issued under this section, including the cost of equipment
10 purchase or rental, or \$75, whichever is less.

11 b. The fee for a background check specified in sub. (9g) (c).

12 c. A shooting range improvement fee of \$15.

13 d. A law enforcement excellence fund fee of \$15.

14 (c) The sheriff shall request that the department conduct a background check
15 of a licensee as provided under sub. (9g) before renewing the licensee's license under
16 par. (b).

17 (d) If an individual whose license has expired does not submit a renewal
18 application under par. (b) before 6 months after the expiration date, the license shall
19 permanently expire. An individual whose license has permanently expired may be
20 issued a new license if he or she applies for a license under sub. (7).

21 **(15m) PRIVATE EMPLOYER RESTRICTIONS.** (a) Except as provided in par. (b), a
22 private employer may prohibit a licensee or an out-of-state licensee that it employs
23 from carrying a concealed weapon or a particular type of concealed weapon in the
24 course of the licensee's or out-of-state licensee's employment or during any part of
25 the licensee's or out-of-state licensee's course of employment.

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1 (b) A private employer may not prohibit a licensee or an out-of-state licensee,
2 as a condition of employment, from carrying a concealed weapon or a particular type
3 of concealed weapon in the licensee's or out-of-state licensee's own motor vehicle,
4 regardless of whether the motor vehicle is used in the course of employment.

5 **(16) PROHIBITED ACTIVITY.** (a) Neither a licensee nor an out-of-state licensee
6 may knowingly carry a concealed weapon in any of the following places:

7 1. A place that has been declared a nuisance under ch. 823.

8 2. A police station, sheriff's office, or state patrol station. This subdivision does
9 not prohibit a peace officer who is acting within the scope of his or her employment
10 from carrying a concealed weapon in a police station, sheriff's office, or state patrol
11 station.

12 3. A prison, jail, house of correction, or secured correctional facility.

13 4. A courthouse, except that a judge who is a licensee may carry a concealed
14 weapon in a courthouse in which he or she is presiding in court and may permit in
15 writing any other licensee or out-of-state licensee to carry a concealed weapon in a
16 courthouse in which he or she is presiding in court.

17 5. A place at which a school, college, or professional athletic event is taking
18 place, unless the event is related to firearms and the licensee or out-of-state licensee
19 is a participant in the event.

20 6. A school administration building.

21 7. Any premises for which a Class "B" or "Class B" license or permit has been
22 issued under ch. 125, unless one of the following applies:

23 a. The licensee or the out-of-state licensee is a person described in s. 941.237

24 (3) (a), (b), (c), (cm), or (d).

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1 b. If the licensee or the out-of-state licensee is carrying a handgun, his or her
2 possession of the handgun is described in s. 941.237 (3) (e), (f), (g), (h), (i), or (j).

3 c. The sale of intoxicating liquors or fermented malt beverages or both on those
4 premises accounts for not more than 50% of the proprietor's receipts from those
5 premises.

6 8. An airport, unless the weapon is encased for shipment as baggage to be
7 transported by aircraft.

8 9. A place in which carrying the weapon is prohibited by federal law.

9 10. A building or part of a building used for religious worship or another
10 religious purpose.

11 11. A building or part of a building that is used to provide child care services.

12 12. A building or part of a building that is used for a domestic violence victim
13 services program or by an organization that provides a safe haven for victims of
14 domestic violence.

15 13. A facility licensed as a hospital, as defined in s. 50.33 (2).

16 14. A building located on the campus of a private or public university, college,
17 or technical college.

18 15. A building or part of a building used for instructional purposes by a private
19 or public university, college, or technical college.

20 16. A kindergarten facility or classroom.

21 (am) Notwithstanding par. (a) 10., 11., 12., and 13., the owner or authorized
22 representative may permit a licensee or out-of-state licensee to carry a concealed
23 weapon in any of the places mentioned in par. (a) 10., 11., 12., or 13.

24 (at) Neither a licensee nor an out-of-state licensee may carry a concealed
25 weapon in a building owned or leased by the state or any political subdivision of the

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1 state if the building provides electronic screening for weapons at all public entrances
2 to the building and for the locked storage of weapons on the premises while the
3 licensee or out-of-state licensee is in the building. This paragraph does not apply
4 to:

5 1. Peace officers or armed forces or military personnel who go armed in the line
6 of duty.

7 2. A person authorized to carry a weapon in the building by the chief of police
8 of the city, village, or town or the sheriff of the county in which the building is located.

9 3. A person authorized to carry a weapon in the building by the chief of the
10 capitol police, if the building is owned or leased by the state.

11 (b) Neither a licensee nor an out-of-state licensee may knowingly carry a
12 handgun in a school zone, as defined in s. 948.605 (1) (c), unless he or she is not in
13 or on the grounds of a school, as defined in s. 948.61 (1) (b), and one of the following
14 applies:

15 1. The individual is in a motor vehicle or on a snowmobile or bicycle.

16 2. The individual has exited a motor vehicle and is encasing the handgun or
17 storing it in the motor vehicle.

18 3. The individual is traveling directly to any person's private property from his
19 or her place of employment or business, from any person's private property, or from
20 a place outside of the school zone.

21 4. The individual is traveling directly to his or her place of employment or
22 business from another place of his or her employment or business, from any person's
23 private property, or from a place outside of the school zone.

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1 5. The individual is traveling directly to a place outside of the school zone from
2 another place outside of the school zone, from any individual's private property, or
3 from his or her place of employment or business.

4 6. The individual's possession of the handgun is described in s. 948.605 (2) (b).

5 (c) Neither a licensee nor an out-of-state licensee may carry a weapon other
6 than a handgun on school premises, as defined in s. 948.61 (1) (c), unless he or she
7 is a person described in or a person whose conduct is described in s. 948.61 (3).

8 (cm) 1. A person may not carry a concealed weapon if any of the following
9 applies:

10 a. The person's alcohol concentration exceeds 0.08.

11 b. The person is under the influence of an intoxicant to a degree which
12 materially impairs his or her ability to handle the weapon.

13 2. A person may be charged with and a prosecutor may proceed upon a
14 complaint based upon a violation of subd. 1. a. or b. or both for acts arising out of the
15 same incident or occurrence. If the person is charged with violating both subd. 1. a.
16 and b., the offenses shall be joined. Subdivision 1. a. and b. each requires proof of a
17 fact for conviction which the other does not require.

18 (d) This subsection does not apply to a peace officer, as defined in s. 939.22 (22).

19 **(17) PENALTIES.** (a) Any person who violates sub. (2g) (b) or (c) may be required
20 to forfeit not more than \$25.

21 (b) Any person who violates sub. (2k) (e) or (16) may be fined not more than
22 \$1,000 or imprisoned for not more than 90 days or both.

23 (c) Any person who intentionally falsely swears under sub. (6) or (15) (b) 2. or
24 who intentionally makes a false statement to a sheriff in requesting or in connection

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1 with the issuance of an emergency license under sub. (9r) shall be fined not less than
2 \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

3 (d) Any person who intentionally violates sub. (12) (a) shall be fined not less
4 than \$500 nor more than \$10,000 and may be imprisoned for not more than 9 months.

5 (e) Any person required under sub. (14) (b) 2. to relinquish or deliver a license
6 document to a sheriff who intentionally violates the requirements of that subdivision
7 shall be fined not less than \$500 nor more than \$10,000 and may be imprisoned for
8 not more than 9 months.

9 **(18) ACCESS TO RECORDS.** Records created or kept under this section by the
10 department or a sheriff, other than reports created under sub. (19) or records created
11 under sub. (20), are not subject to access under s. 19.35.

12 **(19) STATISTICAL REPORT.** (a) By February 1 of each year, a sheriff who is issuing
13 or renewing licenses under this section shall submit a statistical report to the
14 department indicating the number of licenses applied for, issued, denied, suspended,
15 and revoked under this section during the previous calendar year. For the licenses
16 denied, the report shall indicate the reasons for the denials and the part of the
17 application process during which the reasons for denial were discovered. For the
18 licenses suspended or revoked, the report shall indicate the reasons for the
19 suspensions and revocations.

20 (b) By March 1 of each year, the department shall submit a statistical report
21 to the legislature under s. 13.172 (2) and to the governor that is compiled from the
22 reports submitted under par. (a) and that indicates the number of licenses applied
23 for, issued, denied, suspended, and revoked under this section during the previous
24 calendar year. For the licenses denied, the report shall indicate the reasons for the
25 denials and the part of the application process in which the reasons for denial were

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1 discovered. For the licenses suspended or revoked, the report shall indicate the
2 reasons for the suspensions and revocations.

3 **(20)** LAW ENFORCEMENT EXCELLENCE FUND. (a) If a county's sheriff issues licenses
4 under sub. (2) (a) or is party to an agreement under sub. (2) (c), the county board shall
5 establish a law enforcement excellence fund. All money received by a sheriff from
6 payments made under subs. (7) (bt) and (15) (b) 4. d. shall be deposited in accordance
7 with s. 59.25 (3) (u) 4. in the law enforcement excellence fund established under this
8 subsection.

9 (b) A law enforcement excellence fund established under this subsection shall
10 be used to improve law enforcement services in the county and may not be used to
11 supplant or replace other funds otherwise available to the sheriff.

12 **(20m)** GRANTS FOR SHOOTING RANGES. (a) Using the fees collected under sub.
13 (7) (bp) and (15) (b) 4. c., a sheriff issuing licenses under this section shall award
14 grants to persons for construction or improvement of shooting ranges.

15 (b) A grant awarded under this subsection may be for up to 50% of the cost of
16 the construction or improvement of the shooting range. A grant awarded under this
17 subsection may not be used to pay for any of the following:

18 1. The construction of clubhouses and facilities that are not essential to the
19 operation of the shooting range.

20 2. The operation and maintenance of the shooting range.

21 (c) In order to receive a grant under this subsection, the person creating or
22 improving a shooting range shall agree to provide, for a fee of not more than \$20, a
23 firearm safety course or class that will qualify an individual to satisfy the
24 requirements under sub. (3) (h) for a license to carry a concealed weapon.

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1 (d) In determining whether to make a grant under this subsection to a
2 particular applicant, the sheriff shall consider the potential of the project to meet the
3 needs of firearm safety courses or classes that meet the requirements under sub.
4 (4m) in the area served by the shooting range relative to the proposed cost of the
5 construction or improvement.

6 **(21) IMMUNITY.** (a) The department and its employees, sheriffs and their
7 employees, clerks, as defined in sub. (11) (d) 1. a., and their staff, court automated
8 information systems, as defined under sub. (11) (d) 1. b., and its employees, and
9 counties and their employees are immune from liability arising from any act or
10 omission under this section, if done in good faith.

11 (b) A person providing a firearm safety or firearm training course or class in
12 good faith is immune from liability arising from any act or omission related to the
13 course or class if the course or class is one described in sub. (3) (h).

14 (c) A business or a nonprofit organization that permits a person to carry a
15 concealed weapon on property that it owns or occupies is immune from any liability
16 arising from its decision to do so, if done in good faith.

17 (d) An employer that permits any of its employees to carry a concealed weapon
18 under sub. (15m) is immune from any liability arising from its decision to do so, if
19 done in good faith.

20 **SECTION 22.** 440.26 (3m) of the statutes is amended to read:

21 440.26 **(3m)** RULES CONCERNING DANGEROUS WEAPONS. The department shall
22 promulgate rules relating to the carrying of dangerous weapons by a person who
23 holds a license or permit issued under this section or who is employed by a person
24 licensed under this section. The rules shall allow the person to go armed with a

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1 concealed weapon as permitted under s. 175.50 if the person is licensed under that
2 section and shall meet the minimum requirements specified in 15 USC 5902 (b).

3 **SECTION 23.** 813.12 (6) (am) 1. of the statutes is amended to read:

4 813.12 (6) (am) 1. If an injunction is issued or extended under sub. (4) or if a
5 tribal injunction is filed under s. 806.247 (3), the clerk of the circuit court shall notify
6 the department of justice of the injunction and shall provide the department of
7 justice with information concerning the period during which the injunction is in
8 effect and information necessary to identify the respondent for purposes of a firearms
9 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
10 175.50 (9g) (b).

11 **SECTION 24.** 813.12 (6) (am) 2. of the statutes is amended to read:

12 813.12 (6) (am) 2. Except as provided in subd. 3., the department of justice may
13 disclose information that it receives under subd. 1. only as part of a firearms
14 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
15 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
16 (11) (d) 3.

17 **SECTION 25.** 813.122 (9) (am) 1. of the statutes is amended to read:

18 813.122 (9) (am) 1. If an injunction is issued or extended under sub. (5), the
19 clerk of the circuit court shall notify the department of justice of the injunction and
20 shall provide the department of justice with information concerning the period
21 during which the injunction is in effect and information necessary to identify the
22 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
23 (c) or a background check under s. 175.50 (9g) (b).

24 **SECTION 26.** 813.122 (9) (am) 2. of the statutes is amended to read:

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1 813.122 **(9)** (am) 2. Except as provided in subd. 3., the department of justice
2 may disclose information that it receives under subd. 1. only as part of a firearms
3 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
4 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
5 (11) (d) 3.

6 **SECTION 27.** 813.125 (5r) (a) of the statutes is amended to read:

7 813.125 **(5r)** (a) If an order prohibiting a respondent from possessing a firearm
8 is issued under sub. (4m), the clerk of the circuit court shall notify the department
9 of justice of the existence of the order prohibiting a respondent from possessing a
10 firearm and shall provide the department of justice with information concerning the
11 period during which the order is in effect and information necessary to identify the
12 respondent for purposes of a firearms restrictions record search under s. 175.35 (2g)
13 (c) or a background check under s. 175.50 (9g) (b).

14 **SECTION 28.** 813.125 (5r) (b) of the statutes is amended to read:

15 813.125 **(5r)** (b) Except as provided in par. (c), the department of justice may
16 disclose information that it receives under par. (a) only as part of a firearms
17 restrictions record search under s. 175.35 (2g) (c) or a background check under s.
18 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or
19 (11) (d) 3.

20 **SECTION 29.** 885.235 (1g) (intro.) of the statutes is amended to read:

21 885.235 **(1g)** (intro.) In any action or proceeding in which it is material to prove
22 that a person was under the influence of an intoxicant or had a prohibited alcohol
23 concentration or a specified alcohol concentration while operating or driving a motor
24 vehicle or, if the vehicle is a commercial motor vehicle, on duty time, while operating
25 a motorboat, except a sailboat operating under sail alone, while operating a

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1 snowmobile, while operating an all-terrain vehicle, while going armed with a
2 concealed weapon, or while handling a firearm, evidence of the amount of alcohol in
3 the person's blood at the time in question, as shown by chemical analysis of a sample
4 of the person's blood or urine or evidence of the amount of alcohol in the person's
5 breath, is admissible on the issue of whether he or she was under the influence of an
6 intoxicant or had a prohibited alcohol concentration or a specified alcohol
7 concentration if the sample was taken within 3 hours after the event to be proved.
8 The chemical analysis shall be given effect as follows without requiring any expert
9 testimony as to its effect:

10 **SECTION 30.** 885.235 (1g) (e) of the statutes is created to read:

11 885.235 (1g) (e) In a case brought under s. 175.50 (16) (cm) 1. a. or b., the fact
12 that the analysis shows that the person had an alcohol concentration of more than
13 0.0 but less than 0.08 is relevant evidence on the issue of whether the person was
14 intoxicated or had an alcohol concentration of 0.08 or more but is not to be given any
15 prima facie effect. In a case brought under s. 175.50 (16) (cm) 1. a., the fact that the
16 analysis shows that the person had an alcohol concentration of 0.08 or more is prima
17 facie evidence that he or she had an alcohol concentration of 0.08 or more.

18 **SECTION 31.** 938.396 (8) of the statutes is amended to read:

19 938.396 (8) Notwithstanding sub. (2), if a juvenile is adjudged delinquent for
20 an act that would be a felony if committed by an adult, the court clerk shall notify
21 the department of justice of that fact. No other information from the juvenile's court
22 records may be disclosed to the department of justice except by order of the court.
23 The department of justice may disclose any information provided under this
24 subsection only as part of a firearms restrictions record search under s. 175.35 (2g)

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1 (c) or a background check under s. 175.50 (9g) (b) or to a sheriff under s. 175.50 (9g)
2 (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

3 **SECTION 32.** 938.396 (8m) of the statutes is created to read:

4 938.396 **(8m)** (a) Notwithstanding sub. (2), if a juvenile is adjudged delinquent
5 for an act that would be a misdemeanor crime of violence, as defined in s. 175.50 (1)
6 (e), if committed by an adult, the court clerk shall notify the department of justice
7 of that fact. Except as provided in par. (b), no other information from the juvenile's
8 court records may be disclosed to the department of justice except by order of the
9 court.

10 (b) If an applicant for a license to carry a concealed weapon under s. 175.50 was
11 adjudicated delinquent as a juvenile in a case covered by par. (a), the department of
12 justice may request permission to review court records relating to the case for the
13 purpose of determining whether the applicant meets the requirement under s.
14 175.50 (3) (m). Upon receiving such a request, the court shall open for inspection by
15 authorized representatives of the department of justice the records of the court
16 relating to that case.

17 (c) The department of justice may disclose information provided or obtained
18 under this subsection only as part of a background check under s. 175.50 (9g) (b) or
19 to a sheriff under s. 175.50 (9g) (b) 3. a. or c. or (e) 1., (9r) (b) 2., or (11) (d) 3.

20 **SECTION 33.** 941.20 (1) (a) of the statutes is amended to read:

21 941.20 **(1)** (a) Endangers another's safety by the negligent operation or
22 handling of a dangerous weapon; ~~or,~~

23 **SECTION 34.** 941.20 (1) (b) of the statutes is amended to read:

24 941.20 **(1)** (b) Operates ~~or goes armed with~~ a firearm while he or she is under
25 the influence of an intoxicant; ~~or,~~

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1 **SECTION 35.** 941.20 (1) (bm) of the statutes is created to read:

2 941.20 (1) (bm) Goes armed with a firearm while he or she is under the
3 influence of an intoxicant. This paragraph does not apply to a licensee, as defined
4 in s. 175.50 (1) (d), or an out-of-state licensee, as defined in s. 175.50 (1) (g), who goes
5 armed with a concealed handgun, as defined in s. 175.50 (1) (bm), while he or she is
6 under the influence of an intoxicant or while he or she has an alcohol concentration,
7 as defined in s. 340.01 (1v), that exceeds 0.08.

8 **SECTION 36.** 941.23 of the statutes is renumbered 941.23 (1) (intro.) and
9 amended to read:

10 941.23 (1) (intro.) Any person ~~except a peace officer, other than one of the~~
11 following, who goes armed with a concealed and dangerous weapon is guilty of a
12 Class A misdemeanor.;

13 **SECTION 37.** 941.23 (1) (a) of the statutes is created to read:

14 941.23 (1) (a) A peace officer.

15 **SECTION 38.** 941.23 (1) (b) of the statutes is created to read:

16 941.23 (1) (b) An individual holding a valid license under s. 175.50 or
17 authorized under the law of another state to go armed with a concealed weapon in
18 that state, if the dangerous weapon is a weapon, as defined under s. 175.50 (1) (j).

19 **SECTION 39.** 941.23 (1) (c) of the statutes is created to read:

20 941.23 (1) (c) An individual who goes armed with a concealed and dangerous
21 weapon, as defined in s. 175.50 (1) (j), in his or her own dwelling or place of business
22 or on land that he or she owns, leases, or legally occupies, unless he or she is
23 prohibited under federal or state law from possessing that weapon.

24 **SECTION 40.** 941.23 (2) of the statutes is created to read:

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1 941.23 (2) An individual formerly licensed under s. 175.50 whose license has
2 been suspended or revoked under s. 175.50 (14) may not assert his or her refusal to
3 accept or failure to receive a notice of revocation or suspension mailed under s. 175.50
4 (14) (b) 2. as a defense to prosecution under sub. (1), regardless of whether the person
5 has complied with s. 175.50 (12).

6 **SECTION 41.** 941.235 (2) of the statutes is renumbered 941.235 (2) (intro.) and
7 amended to read:

8 941.235 (2) (intro.) This section does not apply to ~~peace~~ any of the following:

9 (a) Peace officers or armed forces or military personnel who go armed in the line
10 of duty or to any.

11 (b) A person duly authorized by the chief of police of any city, village or town,
12 the chief of the capitol police or the sheriff of any county to possess a firearm in any
13 building under sub. (1).

14 **SECTION 42.** 941.235 (2) (c) of the statutes is created to read:

15 941.235 (2) (c) An individual holding a valid license under s. 175.50 or
16 authorized under the law of another state to go armed with a concealed weapon, as
17 defined in s. 175.50 (1) (j), if the firearm is a handgun, as defined in s. 175.50 (1) (bm).

18 **SECTION 43.** 941.237 (3) (ct) of the statutes is created to read:

19 941.237 (3) (ct) An individual holding a valid license under s. 175.50 or
20 authorized under the law of another state to go armed with a concealed weapon in
21 that state.

22 **SECTION 44.** 941.295 (2) (d) of the statutes is amended to read:

23 941.295 (2) (d) Any manufacturer or seller whose of electric weapons are used
24 in this state solely by persons, unless the manufacturer or seller engages in the
25 conduct described in sub. (1) with the intent to provide an electric weapon to someone

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1 other than a person specified in pars. (a) to (c) or sub. (2g) (a) or to a person for use
2 in his or her dwelling or place of business or on land that he or she owns, leases, or
3 legally occupies.

4 **SECTION 45.** 941.295 (2g) of the statutes is created to read:

5 941.295 **(2g)** The prohibition in sub. (1) on possessing or going armed with an
6 electric weapon does not apply to any of the following:

7 (a) An individual holding a valid license under s. 175.50 or authorized under
8 the law of another state to go armed with a concealed weapon in that state.

9 (b) An individual who goes armed with an electric weapon in his or her own
10 dwelling or place of business or on land that he or she owns, leases, or legally
11 occupies, unless he or she is prohibited under federal or state law from possessing
12 that weapon.

13 **SECTION 46.** 941.295 (2r) of the statutes is created to read:

14 941.295 **(2r)** The prohibition in sub. (1) on transporting an electric weapon does
15 not apply to any of the following:

16 (a) An individual holding a valid license under s. 175.50 or authorized under
17 the law of another state to go armed with a concealed weapon in that state.

18 (b) An individual who transports an electric weapon from any of the following
19 places to any of the following places:

- 20 1. His or her dwelling.
- 21 2. His or her own place of business.
- 22 3. Land that he or she owns, leases, or legally occupies.

23 **SECTION 47.** 943.13 (1e) (bm) of the statutes is created to read:

24 943.13 **(1e)** (bm) "Licensee" means a licensee, as defined in s. 175.50 (1) (d), or
25 an out-of-state licensee, as defined in s. 175.50 (1) (g).

ENGROSSED SENATE BILL 214**SECTION 48**

1 **SECTION 48.** 943.13 (1e) (g) of the statutes is created to read:

2 943.13 (1e) (g) “Weapon” has the meaning given in s. 175.50 (1) (j).

3 **SECTION 49.** 943.13 (1m) (b) of the statutes is amended to read:

4 943.13 (1m) (b) Enters or remains on any land of another after having been
5 notified by the owner or occupant not to enter or remain on the premises. This
6 paragraph does not apply to a licensee if the owner’s or occupant’s intent is to prevent
7 the licensee from going armed with a concealed weapon on the owner’s or occupant’s
8 land.

9 **SECTION 50.** 943.13 (1m) (c) of the statutes is created to read:

10 943.13 (1m) (c) 1. While going armed with a concealed weapon, enters or
11 remains at a residence that the person does not own or occupy after the owner of the
12 residence, if he or she has not leased it to another person, or the occupant of the
13 residence has notified the actor not to enter or remain at the residence while going
14 armed with a concealed weapon or with that type of concealed weapon. In this
15 subdivision, “residence,” with respect to a single-family residence, includes all of the
16 premises, and “residence,” with respect to a residence that is not a single-family
17 residence, does not include any common area of the building in which the residence
18 is located.

19 2. While going armed with a concealed weapon, enters or remains in any part
20 of a nonresidential building that the person does not own or occupy after the owner
21 of the building, if he or she has not leased it to another person, or the occupant of the
22 building has notified the actor not to enter or remain in the building while going
23 armed with a concealed weapon or with that type of concealed weapon. This
24 subdivision does not apply to a part of a building occupied by the state or one of its
25 political subdivisions or to any part of a building used for parking.

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1 **SECTION 51.** 943.13 (2) of the statutes is renumbered 943.13 (2) (am), and
2 943.13 (2) (am) (intro.) and 1., as renumbered, are amended to read:

3 943.13 **(2)** (am) (intro.) A person has received notice from the owner or occupant
4 within the meaning of sub. (1m) (b), (e) or (f) if he or she has been notified personally,
5 either orally or in writing, or if the land is posted. Land is considered to be posted
6 under this ~~subsection~~ paragraph under either of the following procedures:

7 1. If a sign at least 11 inches square is placed in at least 2 conspicuous places
8 for every 40 acres to be protected. The sign must carry an appropriate notice and the
9 name of the person giving the notice followed by the word "owner" if the person giving
10 the notice is the holder of legal title to the land and by the word "occupant" if the
11 person giving the notice is not the holder of legal title but is a lawful occupant of the
12 land. Proof that appropriate signs as provided in this ~~paragraph~~ subdivision were
13 erected or in existence upon the premises to be protected prior to the event
14 complained of shall be prima facie proof that the premises to be protected were posted
15 as provided in this ~~paragraph~~ subdivision.

16 **SECTION 52.** 943.13 (2) (bm) of the statutes is created to read:

17 943.13 **(2)** (bm) 1. In this paragraph, "sign" means a sign that states a
18 restriction imposed under subd. 2. that is at least 8.5 inches by 11 inches.

19 2. For the purposes of sub. (1m) (c) 2., an owner or occupant of a part of a
20 nonresidential building has notified an individual not to enter or remain in that part
21 of the nonresidential building while going armed with a concealed weapon or with
22 a particular type of concealed weapon if the owner or occupant has done all of the
23 following:

24 a. Posted a sign that is located in a prominent place near the primary entrance
25 to the part of the nonresidential building to which the restriction applies.

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1 b. Personally and orally notified the individual of the restriction.

2 **SECTION 53.** 943.13 (3) of the statutes is amended to read:

3 943.13 **(3)** Whoever erects on the land of another signs which are the same as
4 or similar to those described in sub. (2) (am) without obtaining the express consent
5 of the lawful occupant of or holder of legal title to such land is subject to a Class C
6 forfeiture.

7 **SECTION 54.** 946.32 (3) of the statutes is created to read:

8 946.32 **(3)** This section does not apply to offenses that may be prosecuted under
9 s. 175.50 (17) (c).

10 **SECTION 55.** 948.605 (2) (c) of the statutes is created to read:

11 948.605 **(2)** (c) Paragraph (a) does not apply to the possession of a handgun, as
12 defined in s. 175.50 (1) (bm), by an individual holding a valid license under s. 175.50
13 or authorized under the law of another state to go armed with a concealed handgun
14 who is going armed with a concealed handgun as permitted under s. 175.50.

15 **SECTION 56.** 948.61 (3m) of the statutes is created to read:

16 948.61 **(3m)** This section does not apply to the possession of a weapon, as
17 defined in s. 175.50 (1) (j), other than a handgun, as defined in s. 175.50 (1) (bm), by
18 an individual holding a valid license under s. 175.50 or authorized under the law of
19 another state to go armed with a concealed weapon who is going armed with a
20 concealed weapon as permitted under s. 175.50.

21 **SECTION 57. Nonstatutory provisions.**

22 (1) Using the procedure under section 227.24 of the statutes, the department
23 of justice shall promulgate rules required under sections 165.25 (11) (a) and 175.35
24 (2g) (c) 3. of the statutes and under section 175.50 (9g) (f) of the statutes, as created
25 by this act, for the period before the effective date of the permanent rules

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1 promulgated under those sections, but not to exceed the period authorized under
2 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),
3 (2) (b), and (3) of the statutes, the department is not required to provide evidence that
4 promulgating a rule under this subsection as an emergency rule is necessary for the
5 preservation of public peace, health, safety, or welfare and is not required to provide
6 a finding of an emergency for a rule promulgated under this subsection.

7 **SECTION 58. Effective dates.** This act takes effect on the first day of the 5th
8 month beginning after publication, except as follows:

9 (1) The treatment of sections 165.25 (11) (a) and 175.50 (2) (b), (2m), and (5) of
10 the statutes takes effect on the day after publication.

11 (END)